

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-20129

VINCENT JOHN WITORT (D-8),

Defendant.

ORDER REQUIRING ADDITIONAL BRIEF

Before the court is a request from Defendant Vincent John Witort to substitute his current, court-appointed attorney with two privately retained attorneys. The request comes within weeks of the trial of an extremely complex RICO case with which his court-appointed attorney has been spending two years familiarizing herself. There are no conflicts, or communication break-downs, between Defendant and his current attorney. She has, from the court's perspective, represented him zealously and effectively thus far, and she has made it abundantly clear that she is ready for trial.

Nonetheless, Defendant has obtained funds from an unspecified source to hire two new attorneys who, because of the protective order, have not seen one page of the voluminous electronic discovery. These two attorneys assert that they believe they can be ready for trial by September 29. The court is, to say the least, skeptical. The court doubts that even the combined efforts of the two attorneys could replicate the two years of work that Defendant's current attorney has performed but, more concerning, the court wonders whether these attorneys could adequately prepare for trial in the next few

weeks such that their representation could provide constitutionally effective representation. For these reasons, and others, the court held a hearing on the matter on July 9, 2014. As expressed at the hearing, the court found the oral presentation to be lacking in sufficient detail to allay the court's concerns. Accordingly, the court ordered additional briefing from proposed counsel, and ordered that the briefing be expedited due to the fast-approaching trial date. This order memorializes the court's on-the-record order to that effect. Thus,

IT IS ORDERED that by **Friday, July 11, 2014 at 12:00 noon**, proposed substitute counsel shall submit, under seal, a supplemental brief in further support of their request to substitute as counsel for Defendant John Vincent Witort. The brief shall address, with appropriate support, the issues as outlined at the July 9, 2014 hearing, as well as any other bases counsel has to seek this extraordinary relief. The brief should, at a minimum, specifically address the court's concerns regarding (1) proposed counsels' ability to be prepared for trial; (2) the possibility that the funds will run out prior to the end of trial, thus creating a situation where another counsel would need to be appointed; and (3) whether the request contemplates any reimbursement of public funds pursuant to 18 U.S.C. § 3006A(f). Additionally, because counsel voluntarily offered to provide such information, the court would welcome any assurances that the funds do not come from a source which, in this RICO case, could give rise to the appearance or possibility of conflict of interest between this Defendant and another co-defendant.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 10, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 10, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522